

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 89, between lines 17 and 18, begin a new paragraph and insert:
2 **"SOLDIERS' AND SAILORS' CHILDREN'S HOME**
3 **Personal Services 9,100,938 1**
4 **Other Operating Expense 1,322,500 1**
5 **FARM REVENUE**
6 **Total Operating Expense 27,715 1".**
7 Page 106, between lines 24 and 25, begin a new paragraph and
8 insert:
9 "SECTION 45. IC 2-5-31 IS ADDED TO THE INDIANA CODE
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]:
12 **Chapter 31. Indiana Soldiers' and Sailors' Children's Home**
13 **Task Force**
14 **Sec. 1. As used in this chapter, "children's home" refers to the**
15 **Indiana Soldiers' and Sailors' Children's Home established by**
16 **IC 20-22.5-2-5 (IC 16-33-4-5 before July 1, 2009).**
17 **Sec. 2. As used in this chapter, "task force" refers to the Indiana**
18 **Soldiers' and Sailors' Children's Home task force established by**
19 **section 3 of this chapter.**
20 **Sec. 3. (a) The Indiana Soldiers' and Sailors' Children's Home**
21 **task force is established.**
22 **(b) The task force consists of eight (8) voting members and five**
23 **(5) nonvoting members.**
24 **(c) The voting members consist of the following:**
25 **(1) Two (2) members of the house of representatives**
26 **appointed by the speaker of the house of representatives.**
27 **(2) Two (2) members of the house of representatives**
28 **appointed by the minority leader of the house of**
29 **representatives.**
30 **(3) Two (2) members of the senate appointed by the president**

1 pro tempore of the senate.

2 (4) Two (2) members of the senate appointed by the minority
3 leader of the senate.

4 (d) The five (5) nonvoting members serve in an advisory
5 capacity. The nonvoting members consist of the following:

6 (1) The state superintendent of public instruction or the state
7 superintendent's designee.

8 (2) The director of the department of child services
9 established by IC 31-25-1-1 or the director's designee.

10 (3) The department adjutant of the American Legion
11 Department of Indiana or the department adjutant's designee.

12 (4) A representative of the Alumni Association of the Indiana
13 Soldiers' and Sailors' Children's Home, selected by the
14 Alumni Association of the Indiana Soldiers' and Sailors'
15 Children's Home.

16 (5) The Marion County juvenile court judge.

17 (e) If a legislative member of the task force ceases being a
18 member of the chamber from which the member was appointed,
19 the member ceases to be a member of the task force.

20 (f) A legislative member of the task force may be removed at
21 any time by the appointing authority who appointed the legislative
22 member.

23 (g) If a vacancy exists on the task force, the appointing authority
24 who appointed the former member whose position has become
25 vacant shall appoint an individual to fill the vacancy.

26 Sec. 4. The following voting members shall serve as co-chairs of
27 the task force:

28 (1) One (1) member described in section 3(c)(1) of this chapter
29 appointed by the speaker of the house of representatives.

30 (2) One (1) member described in section 3(c)(2) of this chapter
31 appointed by the president pro tempore of the senate.

32 Sec. 5. Five (5) voting task force members constitute a quorum.
33 The affirmative votes of at least five (5) voting members of the task
34 force are necessary for the task force to make recommendations or
35 adopt a final report.

36 Sec. 6. (a) Each member of the task force who is not a state
37 employee is entitled to the minimum salary per diem provided by
38 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
39 for traveling expenses as provided under IC 4-13-1-4 and other
40 expenses actually incurred in connection with the member's duties
41 as provided in the state policies and procedures established by the
42 Indiana department of administration and approved by the budget
43 agency.

44 (b) Each member of the task force who is a state employee but
45 is not a member of the general assembly is entitled to
46 reimbursement for traveling expenses as provided under
47 IC 4-13-1-4 and other expenses actually incurred in connection
48 with the member's duties as provided in the state travel policies

1 and procedures established by the Indiana department of
2 administration and approved by the budget agency.

3 (c) Each member of the task force who is a member of the
4 general assembly is entitled to receive the same per diem, mileage,
5 and travel allowances paid to members of the general assembly
6 serving on interim study committees established by the legislative
7 council.

8 Sec. 7. (a) The task force shall do the following:

9 (1) Evaluate estimated future capital and operating costs
10 needed to continue to operate the children's home as it was
11 operated on July 1, 2008.

12 (2) Review the current fee structure for parents or guardians
13 of children residing at the children's home.

14 (3) Evaluate potential management efficiencies that may be
15 made at the children's home.

16 (4) Evaluate the feasibility of obtaining federal or private
17 funds to continue to operate the children's home as it was
18 operated on July 1, 2008, or under an alternative management
19 and ownership structure.

20 (5) Evaluate possible alternative uses for the buildings,
21 grounds, equipment, and other assets of the children's home,
22 including possible use as a charter school, a vocational school,
23 a higher education facility, an alternate facility for a state
24 agency or a unit of local government, or any other alternative
25 that the task force considers to be appropriate.

26 (6) Evaluate the potential to operate the children's home in its
27 current capacity or in some other capacity under a
28 public-private agreement.

29 (7) Evaluate alternatives for education and other services for
30 the children at the children's home.

31 (8) Evaluate whether the home should cease operation after
32 June 30, 2016, or whether it should operate in a different
33 capacity.

34 (9) Make specific recommendations regarding the placement
35 of children if the children's home is closed.

36 (b) The task force shall hear testimony and receive information
37 regarding children discharged from the children's home as a result
38 of the children's home closure in May 2009. The task force may
39 consult with the American Legion Department of Indiana to
40 receive information voluntarily provided to the American Legion
41 Department of Indiana by the parent or guardian of a child
42 discharged from the children's home as a result of the children's
43 home's closure in May 2009. The department of child services shall
44 before July 1 of each year provide the task force with information
45 on a child discharged from the children's home as a result of the
46 children's home's closure in May 2009 who is in the custody of the
47 department of child services, regarding whether the child:

48 (1) is currently enrolled in school; or

(2) has been arrested or incarcerated.

The department of child services is not required to provide the task force information pertaining to the child to the extent the information violates any federal or state confidentiality provisions.

Sec. 8. The task force shall annually report the results of its study in an electronic format under IC 5-14-6 to the general assembly before November 1.

Sec. 9. (a) The legislative services agency shall provide staff support for the task force.

(b) The task force may employ consultants to assist it with its study with the approval of the legislative council.

Sec. 10. This chapter expires July 1, 2016."

Page 114, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 54. IC 4-13.6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided by this chapter and ~~IC 16-33-4-10~~, **IC 20-22.5-2-8**, if the estimated cost of a public works project is at least seventy-five thousand dollars (\$75,000), the division shall award a contract for the project based on competitive bids.

(b) If the estimated cost of a public works project is at least seventy-five thousand dollars (\$75,000), the division shall develop contract documents for a public works contract and keep the contract documents on file in its offices so that they may be inspected by contractors and members of the public.

(c) The division shall advertise for bids under section 8 of this chapter. The director shall award a contract under IC 4-13.6-6.

(d) A contractor shall submit under oath a financial statement as a part of the bid. The director may waive filing of the financial statement.

(e) After bids are opened but before a contract is awarded, the director may require a contractor to submit a statement of the contractor's experience, a proposed plan of performing the work, and a listing of the equipment that is available to the contractor for performance of the work.

(f) The statements required by this section shall be submitted on forms approved by the state board of accounts. The forms shall be based, so far as applicable, on standard questionnaires and financial statements for contractors used in investigating the qualifications of contractors on public construction work.

(g) The division shall reject the bid of a contractor if:

(1) the estimated cost of the public works project is one hundred fifty thousand dollars (\$150,000) or more and the contractor is not qualified under chapter 4 of this article;

(2) the estimated cost of the public works project is less than one hundred fifty thousand dollars (\$150,000) and the director makes a written determination, based upon information provided under subsections (d) and (e), that the contractor is not qualified to perform the public works contract;

(3) the contractor has failed to perform a previous contract with the state satisfactorily and has submitted the bid during a period of suspension imposed by the director (the failure of the contractor to perform a contract satisfactorily must be based upon a written determination by the director);

(4) the contractor has not complied with a rule adopted under this article and the rule specifies that failure to comply with it is a ground for rejection of a bid; or

(5) the contractor has not complied with any requirement under section 2.5 of this chapter.

(h) The division shall keep a record of all bids. The state board of accounts shall approve the form of this record, and the record must include at least the following information:

(1) The name of each contractor.

(2) The amount bid by each contractor.

(3) The name of the contractor making the lowest bid.

(4) The name of the contractor to whom the contract was awarded.

(5) The reason the contract was awarded to a contractor other than the lowest bidder, if applicable.

(6) Purchase order numbers."

Page 119, between lines 43 and 44, begin a new paragraph and insert:

"SECTION 61. IC 5-10-8-8, AS AMENDED BY P.L.43-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to the state and employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) who:

(A) for an employee who retires before January 1, 2007, will have completed:

(i) twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten

(10) years of which shall have been completed immediately

preceding the retirement; and

(ii) at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date; or

(B) for an employee who retires after December 31, 2006, will have completed fifteen (15) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall make available a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

(1) is no longer a member of the general assembly;

(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) and subsection (k) must be equal to that offered active

employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. Except as provided in subsection (l), the employer may elect to pay any part of the retired employee's premium with respect to insurance coverage under this chapter.

(g) Except as provided in subsection (j), a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

- (1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program.
- (3) Two (2) years after the date of the employee's death.
- (4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under this chapter to participate in a group insurance program) or spouse has become eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. An employer who makes an election under this section may require a person who continues coverage under this subsection to participate in

a retiree health benefit plan developed under section 8.3 of this chapter.

(k) The state shall provide a group health insurance program to each retired employee:

(1) who was employed as a teacher in a state institution under:

(A) IC 11-10-5;

(B) IC 12-24-3;

(C) IC 16-33-3;

(D) IC 16-33-4 **(before its repeal);**

(E) IC 20-21-2-1; ~~or~~

(F) IC 20-22-2-1; **or**

(G) IC 20-22.5-2;

(2) who is at least fifty-five (55) years of age on or before the employee's retirement date;

(3) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(4) who:

(A) has at least fifteen (15) years of service credit as a participant in the retirement fund of which the employee is a member on or before the employee's retirement date; or

(B) completes at least ten (10) years of service credit as a participant in the retirement fund of which the employee is a member immediately before the employee's retirement.

(l) The president pro tempore of the senate and the speaker of the house of representatives may not elect to pay any part of the premium for insurance coverage under this chapter for a former member of the general assembly or the spouse of a former member of the general assembly whose last day of service as a member of the general assembly is after July 31, 2007."

Page 120, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 64. IC 5-22-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies only to the following governmental bodies:

(1) A state institution (as defined in IC 12-7-2-184).

(2) A penal facility operated by the department of correction.

(3) ~~An institution operated by the state department of health~~ **The Indiana Soldiers' and Sailors' Children's Home** under ~~IC 16-19-6~~ **IC 20-22.5.**

(4) A political subdivision."

Page 285, between lines 43 and 44, begin a new paragraph and insert:

"SECTION 264. IC 16-18-2-62 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 62. ~~(a) "Commission", for purposes of IC 16-19-6, refers to the commission for special institutions.~~

~~(b)~~ **(a)** "Commission", for purposes of IC 16-31, refers to the Indiana emergency medical services commission.

1 ~~(c)~~ **(b)** "Commission", for purposes of IC 16-46-11.1, has the
 2 meaning set forth in IC 16-46-11.1-1.

3 SECTION 265. IC 20-18-2-2.7 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2009]: **Sec. 2.7. "Children's home" means the**
 6 **Indiana Soldiers' and Sailors' Children's Home established by**
 7 **IC 20-22.5-2-5."**

8 Page 288 between lines 2 and 3, begin a new paragraph and insert:
 9 "SECTION 272. IC 20-22.5 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2009]:

12 **ARTICLE 22.5. INDIANA SOLDIERS' AND SAILORS'**
 13 **CHILDREN'S HOME**

14 **Chapter 1. Administration**

15 **Sec. 1. The department shall do the following:**

- 16 (1) **Administer the children's home.**
 17 (2) **Recommend to the governor legislation that is needed to**
 18 **implement the policies developed by the state superintendent.**
 19 (3) **Review, revise, adopt, and submit to the budget agency**
 20 **budget proposals for the children's home.**
 21 (4) **Employ the personnel necessary to perform the duties**
 22 **imposed upon the state superintendent by this chapter.**
 23 (5) **Do any and all acts necessary, proper, or convenient to**
 24 **carry out this chapter.**

25 **Sec. 2. (a) Except as provided in subsection (b), the department**
 26 **has complete policy and administrative control and responsibility**
 27 **for the children's home.**

28 **(b) Notwithstanding any other statute or policy, the department**
 29 **or the superintendent of the children's home may not terminate, in**
 30 **whole or in part, services provided by the children's home to**
 31 **Indiana children or terminate other operations that exist at the**
 32 **children's home unless specifically authorized by a statute enacted**
 33 **by the general assembly. The department or the superintendent of**
 34 **the children's home shall maintain adequate staffing levels to**
 35 **provide the necessary services to the children residing at the**
 36 **children's home.**

37 **Sec. 3. (a) The children's home is under the administrative**
 38 **control of a superintendent who has the powers, duties, and**
 39 **qualifications provided by law or as may be otherwise prescribed**
 40 **or delegated by the state superintendent (including the authority**
 41 **to execute contracts) insofar as the powers, duties, and**
 42 **qualifications are not in conflict with this chapter.**

43 **(b) The superintendent of the children's home shall be appointed**
 44 **by the state superintendent. The superintendent of the children's**
 45 **home may be removed only by the state superintendent. The**
 46 **superintendent of the children's home is administratively**
 47 **responsible to the state superintendent.**

1 (c) Except as provided in subsection (d), the superintendent of
2 the children's home must meet all the following conditions:

3 (1) Be a teacher licensed by the state or have at least a
4 baccalaureate degree from an accredited college or university
5 in a field related to education or child growth and
6 development.

7 (2) Have experience working with children.

8 (3) At the time of appointment, be a resident and citizen of
9 Indiana.

10 (4) Have other qualifications as required by the state
11 superintendent.

12 (d) When at least two (2) candidates meet the conditions listed
13 in subsection (c), the state superintendent shall give preference to
14 individuals who have been honorably discharged after service in
15 the armed forces of the United States (as defined in IC 20-22.5-2-1)
16 in appointing a candidate to the position of superintendent of the
17 children's home.

18 Sec. 4. The superintendent of the children's home is entitled to
19 receive a salary in an amount to be fixed by the state
20 superintendent subject to the approval of the budget agency.

21 Sec. 5. (a) The superintendent of the children's home shall
22 furnish an individual public bond in an amount determined by the
23 department, payable to the state, and conditioned upon the faithful
24 performance of the superintendent of the children's home's duties.

25 (b) A bond required under this section is subject to the approval
26 of the insurance commissioner and shall be filed in the office of the
27 secretary of state.

28 Sec. 6. The superintendent of the children's home, subject to the
29 approval of the state superintendent:

30 (1) has charge and management of the children's home;

31 (2) shall direct the care, education, and maintenance of the
32 children of the children's home; and

33 (3) is the chief appointing authority for all employees
34 necessary to properly conduct and operate the children's
35 home.

36 Sec. 7. (a) The state superintendent shall annually review the
37 salary schedules of the school corporation with the greatest current
38 ADM (as defined in IC 20-43-1-10) in the county in which the
39 children's home is located to determine the salary schedule of that
40 school corporation.

41 (b) The state superintendent shall, following the annual review
42 required by subsection (a), prescribe, subject to approval by the
43 state personnel department and the budget agency, a salary
44 schedule for the children's home, using a daily rate of pay for each
45 teacher that is commensurate with the salary schedules of the
46 school corporation that has the greatest current ADM (as defined
47 in IC 20-43-1-10) in the county in which the children's home is
48 located.

(c) The state superintendent shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under this schedule.

(d) The department shall advise the budget agency and the governor of the department's action under this section. Hours of work for all teachers shall be set in accordance with IC 4-15-2.

Sec. 8. IC 4-13-2 applies to the children's home.

Chapter 2. Indiana Soldiers' and Sailors' Children's Home

Sec. 1. As used in this chapter, "armed forces of the United States" means the forces and components of the following:

- (1) The United States Army.
- (2) The United States Navy.
- (3) The United States Marine Corps.
- (4) The United States Air Force.
- (5) The United States Coast Guard.

Sec. 2. As used in this chapter, the "county of residence of the child":

- (1) is the county of residence of the responsible parent; or
- (2) if there is no responsible parent, is the county within which the child's guardianship or wardship is established by appointment of the court.

Sec. 3. As used in this chapter, "member of the armed forces" means the following:

- (1) An individual who is on active duty in the armed forces of the United States or National Guard.
- (2) An individual who previously has served on active duty in the armed forces of the United States or National Guard and has received an honorable or general discharge.

Sec. 4. As used in this chapter, "National Guard" means:

- (1) the Indiana Army National Guard; or
- (2) the Indiana Air National Guard.

Sec. 5. The Indiana Soldiers' and Sailors' Children's Home is established as a state residential school and home for the care of Indiana children who are in need of residential care and would qualify for educational service. Preference shall be given to the admission of children of members of the armed forces and children of families of veterans who meet these admission criteria. A child who requires residential placement in a secure facility (as defined in IC 31-9-2-114), a juvenile detention facility, or a detention center for the safety of the child or others may not be placed at the children's home.

Sec. 6. (a) The children of the children's home shall be:

- (1) taught and treated in a manner that promotes the children's physical, intellectual, and moral improvement; and
- (2) trained in habits of industry, studiousness, and morality.

(b) The superintendent of the children's home shall afford to the children of the children's home literary, art, technical, and industrial education as can reasonably be provided.

1 **Sec. 7. (a) The children's home must be accredited as a public**
 2 **school. The superintendent of the children's home may arrange in**
 3 **a special situation, as provided by the department, for the**
 4 **education of a child in a school in a county school corporation**
 5 **reorganized under IC 20-23 near the home.**

6 **(b) A person who teaches at the children's home must be**
 7 **qualified and properly licensed by the state board.**

8 **Sec. 8. (a) The superintendent of the children's home shall**
 9 **establish and maintain a vocational school on the grounds of the**
 10 **home and maintain suitable facilities in which vocational trades**
 11 **and arts are taught.**

12 **(b) The superintendent of the children's home may enter into**
 13 **contracts with other school corporations or entities for the use of**
 14 **the vocational school.**

15 **(c) The superintendent may use donated money or state money**
 16 **without limitation to finance vocational construction projects that**
 17 **are:**

- 18 **(1) authorized by the budget agency; and**
- 19 **(2) in accordance with designs approved by the public works**
 20 **division of the Indiana department of administration.**

21 **Sec. 9. The superintendent of the children's home shall:**

- 22 **(1) provide the Indiana National Guard Youth Challenge**
 23 **Academy with access to all facilities and space necessary to**
 24 **carry out the purpose of the Indiana National Guard Youth**
 25 **Challenge Academy; and**
- 26 **(2) enter into an agreement with the Indiana National Guard**
 27 **to allocate costs associated with the use of facilities or services**
 28 **used by both the Indiana National Guard and the children's**
 29 **home.**

30 **Sec. 10. The superintendent of the children's home, with**
 31 **approval of the state superintendent, may enter into contracts or**
 32 **agreements with other state agencies, school corporations, or other**
 33 **entities to use the:**

- 34 **(1) facilities or services of the children's home; and**
- 35 **(2) children's home for summer camps, seminars, programs,**
 36 **or other educational events.**

37 **Sec. 11. (a) After an adequate investigation as determined by the**
 38 **superintendent of the children's home or the designee of the**
 39 **superintendent of the children's home, including consideration of**
 40 **appropriateness of placement, the superintendent of the children's**
 41 **home shall receive as a resident in the children's home a child if the**
 42 **child meets the requirements under subsection (b).**

43 **(b) Before a child may be received as a resident in the children's**
 44 **home under subsection (a), the child must meet the following**
 45 **requirements:**

- 46 **(1) The parent or parents of the child are Indiana residents**
 47 **immediately before application or the child is physically**
 48 **present in Indiana immediately before application.**

(2) The child is at least three (3) years of age but less than eighteen (18) years of age.

(3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the children's home may, if a child meets the requirements under subsection (b), receive as residents in the children's home the:

(1) grandchildren;

(2) stepchildren;

(3) brothers;

(4) sisters;

(5) nephews; and

(6) nieces;

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent of the children's home may accept for residence children referred:

(1) by the department of child services established by IC 31-25-1-1; or

(2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the children's home or the designee of the superintendent of the children's home, including a consideration of appropriateness of placement.

Sec. 12. (a) An application for admission to the children's home may be made by a responsible parent, a guardian, a representative of the court, or the department of child services.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent of the children's home shall cooperate with the department of child services to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the children's home.

Sec. 13. (a) The superintendent of the children's home is responsible for the care, control, and training of children admitted to and living in the home from the day a child is admitted to the home until the child is:

(1) eighteen (18) years of age; or

(2) discharged from the home.

(b) The superintendent of the children's home shall make certain in the case of every child in the home that:

(1) there is a responsible parent;

(2) there is a responsible relative; or

(3) if a responsible parent or relative is not available, the child

1 is a ward of the department of child services from which there
 2 is a representative;
 3 who is regularly and frequently concerned with the welfare of the
 4 child.

5 (c) If:

6 (1) the parent or parents have been deprived by order of the
 7 court of the custody and control of a child admitted to the
 8 children's home; and

9 (2) custody has been given by the court to the department of
 10 child services;

11 the wardship shall be retained by the department of child services.

12 Sec. 14. (a) Either parent, a guardian, a relative, or the
 13 department of child services applying for the admission of a child
 14 to the children's home shall, in securing admittance of the child,
 15 place the child in the children's home for the length of time
 16 determined to be in the best interests of the child.

17 (b) A child shall be returned at any time to the:

18 (1) parent or parents;

19 (2) guardian;

20 (3) relative; or

21 (4) department of child services that placed the child in the
 22 children's home;

23 if removal of the child from the children's home is applied for upon
 24 written application. The superintendent of the children's home
 25 may require not more than thirty (30) days notice when a
 26 discharge is requested.

27 (c) If the superintendent of the children's home finds that a child
 28 does not adjust to institutional living or is not educable, the
 29 superintendent of the children's home:

30 (1) may:

31 (A) with the approval of the state superintendent; and

32 (B) upon proper notification;

33 discharge the child to the applicant placing the child in the
 34 children's home; and

35 (2) shall cooperate with the department of child services for
 36 further disposition of the case as necessary.

37 Sec. 15. A child admitted to the children's home may not be
 38 permanently removed from the children's home and placed
 39 elsewhere without the express approval of the:

40 (1) parent or parents who;

41 (2) guardian who;

42 (3) relative who; or

43 (4) department of child services that;

44 applied for admission of the child to the children's home.

45 Sec. 16. Either parent, a guardian, a relative, a representative
 46 of the department of child services, or other person approved by
 47 the superintendent of the children's home may visit a child
 48 admitted to the children's home at times or places the

1 superintendent of the children's home prescribes.

2 **Sec. 17. (a) Each child, the estate of the child, the parent or**
 3 **parents of the child, or the guardian of the child, individually or**
 4 **collectively, are liable for the payment of the costs of maintenance**
 5 **of the child of up to one hundred percent (100%) of the per capita**
 6 **cost, except as otherwise provided. The cost shall be computed**
 7 **annually by dividing the total annual cost of operation for the fiscal**
 8 **year, exclusive of the cost of education programs, construction, and**
 9 **equipment, by three hundred sixty-five (365). The maintenance**
 10 **cost shall be referred to as maintenance charges. The charge may**
 11 **not be levied against any of the following:**

12 **(1) A county or any person or office, to be derived from**
 13 **county tax sources.**

14 **(2) A child orphaned by reason of the death of the natural**
 15 **parents.**

16 **(b) The billing and collection of the maintenance charges as**
 17 **provided for in subsection (a) shall be made by the superintendent**
 18 **of the children's home based on the per capita cost for the**
 19 **preceding fiscal year. All money collected shall be deposited in a**
 20 **fund to be known as the Indiana soldiers' and sailors' children's**
 21 **home maintenance fund. The fund shall be used by the state**
 22 **superintendent for the:**

23 **(1) preventative maintenance; and**

24 **(2) repair and rehabilitation;**

25 **of buildings of the children's home that are used for housing, food**
 26 **service, or education of the children of the children's home.**

27 **(c) The superintendent of the children's home may, with the**
 28 **approval of the state superintendent, agree to accept payment at a**
 29 **lesser rate than that prescribed in subsection (a). The**
 30 **superintendent of the children's home shall, in determining**
 31 **whether or not to accept the lesser amount, take into consideration**
 32 **the amount of money that is necessary to maintain or support any**
 33 **member of the family of the child. All agreements to accept a lesser**
 34 **amount are subject to cancellation or modification at any time by**
 35 **the superintendent of the children's home with the approval of the**
 36 **state superintendent.**

37 **(d) A person who has been issued a statement of amounts due as**
 38 **maintenance charges may petition the superintendent of the**
 39 **children's home for a release from or modification of the statement**
 40 **and the superintendent of the children's home shall provide for**
 41 **hearings to be held on the petition. The superintendent of the**
 42 **children's home may, with the approval of the state superintendent**
 43 **and after the hearing, cancel or modify the former statement and**
 44 **at any time for due cause may increase the amounts due for**
 45 **maintenance charges to an amount not to exceed the maximum cost**
 46 **as determined under subsection (a).**

47 **(e) The superintendent of the children's home may arrange for**
 48 **the establishment of a graduation or discharge trust account for a**

1 child by arranging to accept a lesser rate of maintenance charge.
 2 The trust fund must be of sufficient size to provide for immediate
 3 expenses upon graduation or discharge.

4 (f) The superintendent of the children's home may make
 5 agreements with instrumentalities of the federal government for
 6 application of any monetary awards to be applied toward the
 7 maintenance charges in a manner that provides a sufficient amount
 8 of the periodic award to be deposited in the child's trust account to
 9 meet the immediate personal needs of the child and to provide a
 10 suitable graduation or discharge allowance. The amount applied
 11 toward the settlement of maintenance charges may not exceed the
 12 amount specified in subsection (a).

13 (g) The superintendent of the children's home may do the
 14 following:

15 (1) Investigate, either with the superintendent of the
 16 children's home's own staff or on a contractual or other basis,
 17 the financial condition of each person liable under this
 18 chapter.

19 (2) Make determinations of the ability of:

20 (A) the estate of the child;

21 (B) the legal guardian of the child; or

22 (C) each of the responsible parents of the child;

23 to pay maintenance charges.

24 (3) Set a standard as a basis of judgment of ability to pay that
 25 shall be recomputed periodically to do the following:

26 (A) Reflect changes in the cost of living and other pertinent
 27 factors.

28 (B) Provide for unusual and exceptional circumstances in
 29 the application of the standard.

30 (4) Issue to any person liable under this chapter statements of
 31 amounts due as maintenance charges, requiring the person to
 32 pay monthly, quarterly, or otherwise as may be arranged, an
 33 amount not exceeding the maximum cost as determined under
 34 this chapter.

35 Sec. 18. (a) In the case of a child who is:

36 (1) adjudicated to be a delinquent child or child in need of
 37 services by a juvenile court; and

38 (2) placed by or with the consent of the department of child
 39 services in the children's home;

40 the department of child services shall reimburse the cost of services
 41 provided to the child, including related transportation costs, and
 42 any cost incurred by a county where the children's home is located
 43 to transport or detain the child before the child is adjudicated to be
 44 a delinquent child or child in need of services.

45 (b) The department of child services shall reimburse and pay
 46 costs under this section.

47 (c) The department of child services may require the parent or
 48 guardian of the child, other than a parent, guardian, or custodian

1 associated with the children's home, to reimburse the department
2 for an amount paid under this section.

3 (d) A child who is admitted to the children's home does not
4 become a resident of the county where the children's home is
5 located.

6 (e) When an unemancipated child is released from the children's
7 home, the department of child services is responsible for
8 transporting the child to the parent or guardian of the child. If a
9 parent or guardian does not exist for an unemancipated child
10 released from the home, the department of child services shall
11 obtain custody of the child.

12 Sec. 19. (a) The attorney general shall, upon notification by the
13 superintendent of the children's home through the state
14 superintendent, bring suit in the name of the state of Indiana on
15 behalf of the superintendent of the children's home against the
16 estate of a person failing to make payments as required in this
17 chapter.

18 (b) If a judgment is obtained under this section, the judgment
19 constitutes a lien against that part of the estate of a person as
20 described in the complaint.

21 (c) The attorney general may bring suit against the parent,
22 parents, or legal guardian of a child for failure to comply with the
23 maintenance agreement or for failure to make an agreement. Suit
24 may be brought for the amount due the state for the maintenance
25 charges of the child. The court may order the payment of amounts
26 due for maintenance charges for a time as the circumstances
27 require. The order may be entered against any or all of the
28 defendants and may be based upon the proportionate ability of
29 each defendant to contribute to the payment of amounts
30 representing maintenance charges. Orders for the payment of
31 money may be enforced by attachment as in contempt proceedings
32 against the persons of the defendants, and in addition as other
33 judgments at law, and costs may be adjudged against and
34 apportioned among the defendants.

35 Sec. 20. (a) The superintendent of the children's home shall do
36 the following:

37 (1) Cause the grounds of the home to be:

38 (A) kept in proper order; and

39 (B) ornamented with trees, shrubs, and flowers.

40 (2) Provide and maintain conservatories or greenhouses.

41 (b) The superintendent of the children's home:

42 (1) may have any suitable land connected with the home
43 cultivated for the use and benefit of the children's home; and

44 (2) shall have the children in the children's home assist in the
45 work.

46 Sec. 21. The superintendent of the children's home shall have
47 the children in the children's home assist in the following:

48 (1) Housekeeping services of the children's home.

1 (2) Manufacture and repair of the clothing of children.

2 (3) The provision of services necessary for the children's
3 home.

4 Sec. 22. In prescribing labor, service, and study for the children
5 of the children's home, the superintendent of the children's home
6 shall consider the proper education and training of the children.

7 Sec. 23. The superintendent of the children's home may, subject
8 to IC 4-24-3-2, receive for the use of the home:

9 (1) gifts;

10 (2) legacies;

11 (3) devises; and

12 (4) conveyances of real and personal property;

13 that are made, given, or granted to or for the children's home or in
14 the name of the children's home.

15 Sec. 24. (a) Notwithstanding IC 22-2-5-2, the children's home
16 and:

17 (1) an employee if there is no representative described under
18 subdivision (2) or (3) for that employee;

19 (2) the exclusive representative of its certificated employees
20 with respect to those employees; or

21 (3) a labor organization representing its noncertificated
22 employees with respect to those employees;

23 may agree in writing to a wage payment arrangement.

24 (b) A wage payment arrangement under subsection (a) may
25 provide that compensation earned during a school year may be
26 paid:

27 (1) using equal installments or any other method; and

28 (2) over:

29 (A) all or part of that school year; or

30 (B) any other period that begins not earlier than the first
31 day of that school year and ends not later than thirteen

32 (13) months after the wage payment arrangement period
33 begins.

34 An arrangement may provide that compensation earned in a
35 calendar year is paid in the next calendar year, so long as all the
36 compensation is paid within the thirteen (13) month period
37 beginning with the first day of the school year.

38 (c) A wage payment arrangement under subsection (a) must be
39 structured in a manner that is not considered:

40 (1) a nonqualified deferred compensation plan for purposes of
41 Section 409A of the Internal Revenue Code; or

42 (2) deferred compensation for purposes of Section 457(f) of
43 the Internal Revenue Code.

44 (d) Absent an agreement under subsection (a), the children's
45 home remains subject to IC 22-2-5-1.

46 (e) Wage payments required under a wage payment
47 arrangement entered into under subsection (a) are enforceable
48 under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of the wages earned and unpaid.

(g) Employment with the home may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year."

Page 294, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 282. IC 20-33-2-9, AS AMENDED BY P.L.185-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section ~~6(a)(3)~~ **6(3)** of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent, and the principal agree to the withdrawal;
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:
 - (A) student's parent; and
 - (B) school principal;
 each provide written consent for the student to withdraw from school; and
- (3) the withdrawal is due to:
 - (A) financial hardship and the individual must be employed to support the individual's family or a dependent;
 - (B) illness; or
 - (C) an order by a court that has jurisdiction over the student.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

- (1) reduce the student's future earnings; and
- (2) increase the student's likelihood of being unemployed in the future.

(d) At an exit interview, the employee designated by the school corporation under subsection (a) to conduct the exit interview shall

1 provide to the student's parent a copy of the written form
 2 developed under subsection (e) describing services offered at the
 3 children's home established by IC 20-22.5-2-5 and the Indiana
 4 National Guard Youth Challenge Academy. The student's parent
 5 shall provide written acknowledgment that the parent received a
 6 copy of the form.

7 (e) For purposes of subsection (d), the department, in
 8 consultation with the superintendent of the children's home and the
 9 Indiana National Guard, shall develop a form describing the
 10 services provided by the children's home and the Indiana National
 11 Guard Youth Challenge Academy. The department shall provide
 12 each school corporation with a sufficient number of copies of the
 13 form developed under this subsection.

14 SECTION 283. IC 20-33-8-19.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2009]: Sec. 19.5. (a) In addition to the notice
 17 of the right to appear at an expulsion meeting provided under
 18 section 19(b) of this chapter, the superintendent shall provide to a
 19 student's parent a copy of the written form described in subsection
 20 (b) informing the student's parent of services provided by the
 21 children's home established by IC 20-22.5-2-5 and the Indiana
 22 National Guard Youth Challenge Academy.

23 (b) For purposes of subsection (a), the department, in
 24 consultation with the superintendent of the children's home and the
 25 Indiana National Guard, shall develop a form describing the
 26 services provided by the children's home and the Indiana National
 27 Guard Youth Challenge Academy. The department shall provide
 28 each school corporation with a sufficient number of copies of the
 29 form developed under this subsection."

30 Page 323, between lines 8 and 9, begin a new paragraph and insert:

31 "SECTION 350. IC 31-34-20-1, AS AMENDED BY P.L.146-2008,
 32 SECTION 602, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Subject to this section and
 34 section 1.5 of this chapter, if a child is a child in need of services, the
 35 juvenile court may enter one (1) or more of the following dispositional
 36 decrees:

- 37 (1) Order supervision of the child by the department.
- 38 (2) Order the child to receive outpatient treatment:
 - 39 (A) at a social service agency or a psychological, a psychiatric,
 40 a medical, or an educational facility; or
 - 41 (B) from an individual practitioner.
- 42 (3) Remove the child from the child's home and authorize the
 43 department to place the child in another home or shelter care
 44 facility. Placement under this subdivision includes authorization
 45 to control and discipline the child.
- 46 (4) Award wardship of the child to the department for
 47 supervision, care, and placement.

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order the child's parent, guardian, or custodian to complete services recommended by the department and approved by the court under IC 31-34-16, IC 31-34-18, and IC 31-34-19.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.

(9) Order the department to place the child in the Indiana Soldiers' and Sailors' Children's Home established by IC 20-22.5-2-5 after considering:

(A) the admission requirements for the Indiana Soldiers' and Sailors' Children's Home under IC 20-22.5-2;

(B) the best interests of the child; and

(C) the desirability of keeping the child with the child's siblings.

The juvenile court may order the department to pay costs and expenses of placing the child in the Indiana Soldiers' and Sailors' Children's Home.

(b) A juvenile court may not place a child in a home or facility that is located outside Indiana unless:

(1) the placement is recommended or approved by the director of the department or the director's designee; or

(2) the juvenile court makes written findings based on clear and convincing evidence that:

(A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or

(B) the location of the home or facility is within a distance not greater than fifty (50) miles from the county of residence of the child.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home or awards wardship of the child to the department; and

(2) is the first juvenile court order in the child in need of services proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the juvenile court shall include in the decree the appropriate findings and conclusions described in IC 31-34-5-3(b) and IC 31-34-5-3(c)."

Page 323, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 344. IC 31-40-1-2, AS AMENDED BY P.L.146-2008, SECTION 665, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as otherwise provided in this section and subject to:

(1) this chapter; and

1 (2) any other provisions of IC 31-34, IC 31-37, or other applicable
 2 law relating to the particular program, activity, or service for
 3 which payment is made by or through the department;
 4 the department shall pay the cost of any child services provided by or
 5 through the department for any child or the child's parent, guardian, or
 6 custodian.

7 (b) The department shall pay the cost of returning a child under
 8 IC 31-37-23.

9 (c) Except as provided under section 2.5 of this chapter, the
 10 department is not responsible for payment of any costs of secure
 11 detention.

12 (d) The department is not responsible for payment of any costs or
 13 expenses for child services for a child if:

14 (1) the juvenile court has not entered the required findings and
 15 conclusions in accordance with IC 31-34-5-3, IC 31-34-20-1,
 16 IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is
 17 applicable); and

18 (2) the department has determined that the child otherwise meets
 19 the eligibility requirements for assistance under Title IV-E of the
 20 federal Social Security Act (42 U.S.C. 670 et seq.).

21 (e) In all cases under this title, **except as provided under**
 22 **IC 31-34-20-1(a)(9)**, if the juvenile court orders services, programs, or
 23 placements that:

24 (1) are not eligible for federal assistance under either Title IV-B
 25 of the federal Social Security Act (42 U.S.C. 620 et seq.) or Title
 26 IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);
 27 and

28 (2) have not been recommended or approved by the department;
 29 the department is not responsible for payment of the costs of those
 30 services, programs, or placements.

31 (f) The department is not responsible for payment of any costs or
 32 expenses for housing or services provided to or for the benefit of a
 33 child placed by a juvenile court in a home or facility located outside
 34 Indiana, if the placement does not comply with the conditions stated in
 35 IC 31-34-20-1(b) or IC 31-37-19-3(b).

36 (g) The department is not responsible for payment of any costs or
 37 expenses of child services for a delinquent child under a dispositional
 38 decree entered under IC 31-37-19, if the probation officer who
 39 prepared the predispositional report did not submit to the department
 40 the information relating to determination of eligibility of the child for
 41 assistance under Title IV-E of the Social Security Act (42 U.S.C. 670
 42 et seq.), as required by IC 31-37-17-1(a)(3).

43 (h) If:

44 (1) the department is not responsible for payment of costs or
 45 expenses of services, programs, or placements ordered by a court
 46 for a child or the child's parent, guardian, or custodian, as
 47 provided in this section; and

(2) another source of payment for those costs or expenses is not specified in this section or other applicable law; the county in which the child in need of services case or delinquency case was filed is responsible for payment of those costs and expenses.".

Page 372, between lines 13 and 14, begin a new paragraph and insert the following:

"SECTION 416. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 16-18-2-4; IC 16-18-2-24; IC 16-18-2-88; IC 16-18-2-172; IC 16-18-2-225; IC 16-19-6; IC 16-33-4.".

Page 389, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 452. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 2-5-31, as added by this act, apply throughout this SECTION.**

(b) Before August 1, 2009, the voting members of the task force established by IC 2-5-31-3, as added by this act, shall be appointed.

(c) The task force shall hold its first meeting in August 2009 and conduct business the task force considers necessary.

SECTION 453. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "children's home" refers to the Indiana Soldiers' and Sailors' Children's Home established by IC 20-22.5-2-5 (IC 16-33-4-5 before July 1, 2009).**

(b) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.

(c) As used in this SECTION, "state superintendent" has the meaning set forth in IC 20-18-2-20.

(d) After June 30, 2009, the following apply:

(1) The powers and duties of the state department of health regarding the administration of the children's home are transferred to the department.

(2) All the property of the children's home is transferred from the state department of health to the department.

(3) An appropriation to the state department of health for the administration of the children's home after June 30, 2009, is transferred to the department.

(4) Any funds administered by the state department of health on behalf of the children's home:

(A) are transferred to the department; and

(B) shall be administered by the department.

(5) Positions for the children's home are transferred to the department.

(6) This subdivision applies to an individual employed at the children's home on January 1, 2009:

(A) The individual is entitled to become an employee of the children's home on the later of the following:

(i) July 6, 2009.

(ii) Seven (7) days after this act becomes law.

(B) The individual is entitled to have the individual's service as an employee of the children's home before July 1, 2009, included for the purpose of computing all applicable employment rights and benefits with the department.

(7) All leases, liabilities, and obligations entered into by the state department of health for the operation of the children's home before July 1, 2009, that are legal and valid on July 1, 2009, are obligations of the department beginning July 1, 2009.

(e) Before July 16, 2009, the department with the cooperation of the state department of health shall open the children's home and offer all services provided by the children's home before the children's home closure in May 2009 before the later of the following:

(1) July 16, 2009.

(2) Fourteen (14) days after this act becomes law.

Any expenses incurred by the state department of health relating to this subsection shall be reimbursed by the department from funds available to administer or operate the children's home.

(f) Before the date the children's home opens under subsection (e), the department shall offer placement to all children residing at the children's home on January 1, 2009, and who meet the age requirements under IC 20-22.5-2-11. Children admitted to the children's home under this subsection shall be subject to any fees and admission requirements in place on January 1, 2009, until the fees or admission requirements are changed by an act of the general assembly or the superintendent of the children's home with the approval of the department.

(g) Notwithstanding any other statute or policy, before July 1, 2009, the state department of health shall not authorize the removal, sale, or destruction of:

- (1) instructional or residential equipment;
- (2) furnishings;
- (3) records;
- (4) tools;
- (5) vehicles; or
- (6) artifacts;

located at the children's home on January 1, 2009.

(h) Before the later of:

(1) July 6, 2009; or

(2) seven (7) days after this act becomes law;

the state department of health and the commission on public records established under IC 5-15-5.1-3 shall return any item described in subsection (g) to the children's home that was removed from the children's home after January 1, 2009. The state department of health shall ensure that the children's home receives

- 1 **all the proceeds for property described in subsection (g) that was**
- 2 **sold by the state department of health after January 1, 2009.**
- 3 **(i) This SECTION expires July 1, 2011."**
- 4 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1001(ss) as printed June 19, 2000.)

Senator LEISING